

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2001-249-E - ORDER NO. 2001-942

SEPTEMBER 19, 2001

IN RE: Gary Weaver,)	ORDER GRANTING
)	RECONSIDERATION
Complainant,)	AND GRANTING NEW
)	DEADLINES
-vs.-)	
)	
Carolina Power & Light Company,)	
)	
Respondent.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Reconsideration of our Order No. 2001-913 filed by Gary Weaver. Order No. 2001-913 denied Weaver's request for extension of the previously set hearing and testimony dates in this complaint matter against Carolina Power & Light Company (CP&L). CP&L filed a response in opposition to the Petition for Reconsideration. Because of the reasoning stated below, we grant the reconsideration.

Weaver asks for reconsideration due to unusual hardship or difficulty resulting from "conditions beyond my control" with regard to medical problems, and requests a 45 day extension as to all dates. He enclosed with the Petition copies of medical records and a note from his physician showing admission to a hospital and an emergency room visit, due to asthma and other medical problems. Weaver states that, because of his medical difficulties, he has not been able to comply with the present Commission-ordered dates, and asks that we reconsider our prior Order, which denied his request for an extension.

Weaver further states that the Commission Staff is still supposed to furnish him with certain data relevant to his complaint.

CP&L has filed a Return to the Petition, urging us to deny the Petition, and either grant summary judgment to CP&L, or hold the hearing in abeyance, but require Weaver to escrow the disputed balance in this case.

While we understand the points made by CP&L, and are anxious to proceed with this matter given its past history, we believe that reconsideration of Order No. 2001-913 is appropriate and granting the requested extension is reasonable, given the fact that Weaver has now produced medical documentation of his original assertions and medical difficulties, which we did not possess before. We believe that Weaver now has reasonably documented his request for a 45 day extension of the hearing and testimony and exhibit prefiling dates.

We do, however, hold that certain conditions must be attached to our granting of the reconsideration and the extension. First, Mr. Weaver must pay for all amounts of current electric usage as billed by CP&L. Failure to do so will result in dismissal of the complaint. Second, the failure of Mr. Weaver to prefile testimony and exhibits by the new deadline stated below will result in dismissal of the complaint.

Also, we hereby instruct the Commission Staff to ensure that Mr. Weaver has been furnished with all requested materials if feasible, or, if it is not feasible to deliver the requested materials to Mr. Weaver, that the Staff has at least responded to Mr. Weaver with regard to those materials.

We are anxious as a Commission to move forward with this matter, despite the extensions given herein for cause. Accordingly, this Commission expects full adherence to all deadlines established by us.

The hearing in this matter is hereby set for **Tuesday, November 27, 2001 at 2:30 PM** in the offices of the Commission. Accordingly, pursuant to 26 S.C. Regs. 103-869(C)(Supp.2000), the Commission hereby orders that twenty-five copies of the testimony and exhibits of Mr. Gary Weaver shall be prefiled on or before **October 26, 2001**, and that twenty-five copies of the testimony and exhibits of CP&L and other parties shall be pre-filed on or before **November 9, 2001**. (Material may be post-marked on these dates.) Also, any rebuttal testimony and exhibits shall be pre-filed on or before **November 16, 2001**, and any surrebuttal testimony and exhibits shall be pre-filed on or before **November 21, 2001**. (Material must be in the offices of the Commission and in the hands of the parties on these dates.) It should be noted that acceptance into the record of surrebuttal testimony and exhibits is subject to the discretion of the Commission. In addition, parties shall serve their pre-filed testimony and exhibits on all other parties of record as required by the Commission's Rules and Regulations. All parties are reminded that all witnesses must be present during any hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses' testimony to be read into the record of the proceeding, and/or may decline to allow the witnesses' exhibits to be entered into the evidence of the case.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

Chairman

ATTEST:

Executive Director

(SEAL)